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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|-------------------|
| 09/943,442 | 08/30/2001 | Shai Ben-Levy | 3524/30 | 7676 |
| 29858 | 7590 | 08/14/2006 | EXAMINER | |
| BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022 | | | | AKINTOLA, OLABODE |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 3624 |

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/943,442 | BEN-LEVY ET AL. | |
| | Examiner Olabode Akintola | Art Unit 3624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 August 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-41 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4 and 38 are drawn to a method and corresponding system for trading financial interests: receiving terms for a proposed auction in financial interests and associating with said proposed auction a deadline for deciding said proposed auction; receiving terms for at least one proposed non-auction transaction in at least one of said financial interests; and identifying said proposed non-auction transaction as an entry in said proposed auction classified in class 705, subclass 37.
- II. Claims 5 and 39 is method and corresponding system for trading financial interests, the method comprising: receiving terms for a first proposed auction in financial interests, said terms for a first proposed auction comprising a first reserve price, and associating with said first proposed auction a deadline for deciding said first proposed auction; receiving terms for a second proposed auction in at least one of said financial interests, said terms for a second proposed auction comprising a second reserve price; and identifying said second reserve price as an entry in said first proposed auction classified in class 705, subclass 37.
- III. Claims 6-12 are drawn to a method for trading financial interests comprising rescinding a plurality of proposed transactions by a single computer command initiated in response to a single command input by a user authorized to enter or

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approve said transactions classified in class 705, subclass 26.

- IV. Claims 13-16 are drawn to a method for trading financial interests comprising a server accessed by users over a computer network, wherein at least a part of a user's functional access to said server is enabled through entry by said user of a password, said functional access comprising an authority of said user to initiate order-executing commands and an authority of said user to initiate non-order-executing commands, the improvement comprising disabling, upon expiration of a time period initiated with an entry of said user's password, said authority to initiate order-executing commands without disabling all of said authority to initiate non-order-executing commands classified in class 705, subclass 26.
- V. Claims 17-18 are drawn to a method for trading financial interests using a server linked to a plurality of client systems via a computer network, the method comprising associating, by an administrator of said server, a set of trading privileges with a user of at least one of said client systems; the improvement comprising enabling said user to associate with a class of sub users associated with said user at least a subset of trading privileges classified in class 705, subclass 37.
- VI. Claims 19-20 are drawn to a method for trading financial interests via a computer network, the method comprising storing in a data store accessible by multiple users descriptions of proposed transactions in financial interests, the improvement comprising associating, with descriptions of proposed transactions stored within said data store, personal identifiers designated by assessors of said descriptions,

said personal identifiers stored in said data store and useable by the accessors by whom said personal identifiers were designated in classifying said descriptions, and not useable or accessible by other accessors of said description classified in class 705, subclass 37.

- VII. Claims 21-25 are drawn to a method for trading of financial interests by a first computer process, said method comprising receiving from a plurality of user stations via a computer network terms for a plurality of proposed transactions in financial interests for processing by a server, the improvement comprising receiving for entry as a computer data set from at least one of said user stations terms for a plurality of proposed transactions, said terms formatted as a set for use by said first computer process by use of a second computer process classified in class 705, subclass 26.
- VIII. Claims 26-28 and 40-41 are drawn to a method and corresponding system for trading financial interests, the method comprising: providing via a computer network a description of at least one proposed transaction in financial interests, said description comprising terms for said proposed transaction received from a user proposing said transaction and at least one benchmark reference price not originated by said user classified in class 705, subclass 37.
- IX. Claims 29-32 are drawn a method of trading financial interests, the method comprising: providing via a computer network a description of at least one proposed transaction in financial interests, said description comprising terms for said proposed transaction received from a user proposing said transaction and at

least one price reference derived from at least one benchmark price, said benchmark price not originated by said user classified in class 705, subclass 37.

X. Claims 33-35 are drawn a system for trading financial interests, the system comprising at least one server linked to a plurality of client systems via a computer network, said at least one server comprising programming functionality for trading of financial interests by users of said client systems, and a first data set for storing data related to trading of financial interests using said trading programming functionality, the improvement comprising: a second data set for storing data related to trading of financial interests using said trading programming functionality, data in said second storage set not transferable by users of said client systems to said first data set, and data stored in said second data set not used for actual trading classified in class 705, subclass 37.

XI. Claims 36-37 are drawn a method for trading financial interests using a server linked to a plurality of client systems via a computer network, the method comprising: receiving from a first user of a client system and storing within a data store accessible by said first user and by other users terms for a proposed transaction in financial interests; authorizing access to said terms for said proposed transaction to a second user of a client system; and receiving from said second user an approval of, cancellation of, or revisions for said terms for said proposed transaction prior to authorizing access by other users to said terms of said proposed transaction classified in class 705, subclass 26.

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The inventions I through XI are distinct, each from the other because of the following reasons:

Inventions I-IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. These combinations are independent if it can be shown that (1) they are not disclosed as capable of use together, (2) they have different modes of operation, (3) they have different functions, or (4) they have different effects. (MPEP 806.04, MPEP 808.01).

In the instant case,

Invention I has separate utility from inventions II-XI such as proposed non-auction transaction.

Invention II has separate utility from inventions I and III-IX such as taken the second proposed auction as an entry into the first proposed auction

Invention III has separate utility from inventions I-II and IV- XI such as rescinding a plurality of proposed transaction by a single computer command.

Examiner interprets claim 6 as an improvement of claim 5.

Invention IV has separate utility from inventions I-III and V- XI such as disabling, upon expiration of a time period initiated with an entry of said user's password, said authority to initiate order-executing commands without disabling all of said authority to initiate non-order-executing commands.

Invention V has separate utility from inventions I-IV and VI- XI such as enabling said user to associate with a class of sub users associated with said user at least a subset of trading privileges.

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Invention VI has separate utility from inventions I-V and VII- XI such as associating personal identifiers designated by accessors of said descriptions, said personal identifiers stored in said data store and useable by the accessors by whom said personal identifiers were designated in classifying said descriptions, and not useable or accessible by other accessors of said description.

Invention VII has separate utility from inventions I-VI and VIII-XI such as receiving for entry as a computer data set from at least one of said user stations terms for a plurality of proposed transactions, said terms formatted as a set for use by said first computer process by use of a second computer process.

Invention VIII has separate utility from inventions I-VII and IX-XI such benchmark reference price not originated by said user.

Invention IX has separate utility from inventions I-VIII and X-XI such price reference derived from at least one benchmark price, said benchmark price not originated by said user

Invention X has separate utility from inventions I-IX and XI such data in said second storage set not transferable by users of said client systems to said first data set, and data stored in said second data set not used for actual trading.

Invention XI has separate utility from inventions I-X such receiving from said second user an approval of, cancellation of, or revisions for said terms for said proposed transaction prior to authorizing access by other users to said terms of said proposed transaction

The examiner notes that per MPEP 812.01 no telephone communication was made due to

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complexity of the restriction requirements.

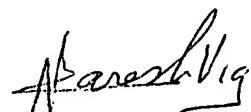
Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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